

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GILBARCO INC.,

Plaintiff,

v.

11CV352

TRONITEC, INC.,

Defendant.

**CONSENT ORDER ENTERING  
PERMANENT INJUNCTION**

Before the Court is a request by the parties for a permanent injunction as described more fully below. The Court finds that the requested relief is appropriate under the circumstances and therefore **GRANTS** the request.

1. This Court has jurisdiction over the subject matter of this Order and personal jurisdiction over Tronitec.

2. Gilbarco is the owner of copyright in various software programs utilized in fuel dispensers and related equipment, including but not limited to a program titled Advantage E300 Monochrome V15.1.70 Firmware ("V15.1.70 Firmware"). The V15.1.70 Firmware is the subject of Certificate of Registration TX-409-008, with an effective date of June 30, 2006.

3. Tronitec has engaged in commercial activity with respect to repairing and selling circuit boards used in fuel dispensers, including circuit boards for use in Gilbarco fuel dispensers. Gilbarco has alleged that at least some of the circuit boards sold by Tronitec for use in Gilbarco fuel dispensers have been equipped with one or more integrated circuit ("IC") chips

each containing an unauthorized copy of a Gilbarco software program ("Accused Products") protected by a registered or unregistered copyright. The term "Gilbarco Copyrights" as used herein thus refers to a registered or unregistered copyright that is currently in existence, owned by Gilbarco, and relates to a Gilbarco software program contained on a IC chip used in conjunction with circuits boards (and larger devices containing such circuit boards) that are sold by Tronitec.

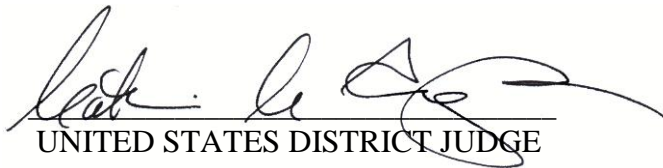
4. Pursuant to 17 U.S.C. §§ 502 and 1203, Tronitec, as well as its officers, directors, shareholders, subsidiaries, affiliates, agents, servants, representatives, successors and assigns, and those acting in concert therewith, shall be and hereby are PERMANENTLY ENJOINED and restrained from the following:

- a. Reproducing or distributing unauthorized copies of the V15.1.70 Firmware, with or without an accompanying circuit board, unless Tronitec acquired that copy of the V15.1.70 Firmware directly from Gilbarco or any of its authorized distributors or agents or can otherwise establish by verifiable evidence that it is an authorized copy;
- b. Reproducing or distributing unauthorized copies of Gilbarco's software, or otherwise infringing the Gilbarco Copyrights; and
- c. Removing, altering, placing or replacing labels on IC chips containing authorized or unauthorized copies of Gilbarco's software, or otherwise violating the integrity of Gilbarco's copyright management information.

5. The Court shall retain jurisdiction over the Parties in order to implement and carry out the terms of all orders and decrees entered herein, to entertain any suitable application or

motion for additional relief pertaining to this litigation, and to otherwise ensure compliance with this Order.

This the 28th day of December, 2012.



UNITED STATES DISTRICT JUDGE

WE CONSENT:

/s/ Donald R. Pocock

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